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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

KANDIS SHUNTAE BALLARD,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL SECURITY,

Defendant

CASE NO.: 2:24-cv-01973-CSK

AMENDED STIPULATION FOR THE  
AWARD AND PAYMENT OF ATTORNEY  
FEES AND EXPENSES PURUSANT TO  
THE EQUAL ACCESS TO JUSTICE ACT;  
ORDER

The parties, through their respective counsel, hereby agree that attorney fees in the amount of \$8,000 shall be awarded to Plaintiff pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 and costs of \$0, pursuant to 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d). Such attorney fees shall be subject to verification that Plaintiff has no debt which qualifies for offset, pursuant to the Treasury Offset Program as discussed in *Astrue v. Ratliff*, 130 S. Ct. 2521 (2010).

If the U.S. Department of the Treasury determines that Plaintiff's EAJA fees are not subject to any offset allowed under the Department of the Treasury's Offset Program, then the

AMENDED STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES  
AND EXPENSES PURUSANT TO THE EQUAL ACCESS TO JUSTICE ACT; ORDER - 1

1 check or electronic funds transfer for EAJA fees shall be made payable to Plaintiff's attorney,  
2 Margaret Lehrkind, based upon Plaintiff's assignment of these amounts to her. *See* Exhibit –  
3 Retainer Agreement. If Plaintiff has a debt, then any remaining funds after offset shall be made  
4 payable to Plaintiff and mailed to counsel's address.  
5

6 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA  
7 attorney fees and expenses and does not constitute an admission of liability on the part of  
8 Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a  
9 complete release from, and bar to, any and all claims that Plaintiff and/or Plaintiff's counsel,  
10 including Lehrkind Law Office, P.C., may have relating to EAJA attorney fees and expenses in  
11 connection with this action.  
12

13 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security  
14 Act attorney fees under 42 U.S.C. § 406, subject to the offset provisions of the EAJA.  
15

16  
17 DATE: December 6, 2024

Respectfully submitted,

18  
19 Lehrkind Law Office, P.C.

20 By: /s/ Margaret Lehrkind  
21 Margaret Lehrkind  
Attorney for Plaintiff

22 DATE: December 6, 2024

23 By: /s/ Mary Tsai \*  
MARY TSAI  
24 \*As authorized via email on 12/6/24  
Special Assistant United States Attorney  
25 Attorney for Defendant  
26

27 AMENDED STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES  
28 AND EXPENSES PURSUANT TO THE EQUAL ACCESS TO JUSTICE ACT; ORDER - 2

**[PROPOSED] ORDER**

Based upon the parties' Amended Stipulation for the Award and Payment of Equal Access to Justice Act Fees and Expenses (the "Stipulation"),

**IT IS ORDERED** that fees and expenses in the amount of EIGHT THOUSAND DOLLARS and 00/100 (\$8,000) as authorized by the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), be awarded subject to the terms of the Stipulation.

In light of this Amended Stipulation, the first Stipulation filed for EAJA fees will be denied as moot. (ECF No. 16.)

DATE: December 23, 2024

  
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HONORABLE CHI SOO KIM  
UNITED STATES MAGISTRATE JUDGE

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AMENDED STIPULATION FOR THE AWARD AND PAYMENT OF ATTORNEY FEES AND EXPENSES PURUSANT TO THE EQUAL ACCESS TO JUSTICE ACT; ORDER - 3